

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
BRUNSWICK DIVISION

U.S. DISTRICT COURT
BRUNSWICK DIV.
2017 JUL -5 PM 5:06

UNITED STATES OF AMERICA)

INDICTMENT NO.: _____

v.)

CR 217 034

OSCAR NEGRETE CORTEZ)

VIO: 21 U.S.C. § 846

MAURO GARCIA RAMIREZ)

21 U.S.C. § 841(a)(1)

MIGUEL PEREZ POSADAS)

18 U.S.C. § 922(g)(1)

GONZALO MENDOZA CARDENAS)

18 U.S.C. § 922(g)(3)

ALEJANDRO CAYETANO PENA)

18 U.S.C. § 922(g)(5)

a/k/a "Tiburon,")

18 U.S.C. § 924(c)(1)(A)

a/k/a/ "Alex,")

8 U.S.C. § 1326

JACOB LEE SMITH)

18 U.S.C. § 2

ADRIAN ARNADA VITELA)

a/k/a "Emiliano," and)

CORNELIO SANCHEZ HUERTA)

Defendants.)

INDICTMENT

THE GRAND JURY CHARGES THAT:

COUNT ONE

Conspiracy to Possess with Intent to Distribute and to Distribute Cocaine

21 U.S.C. § 846

Beginning at a time unknown to the Grand Jury but at least from in or about December 2015 and continuing through on or about January 27, 2017, in Glynn, Pierce, Jeff Davis, Bacon, and Brantley Counties, within the Southern District of Georgia, and elsewhere, the defendants herein:

OSCAR NEGRETE CORTEZ

MAURO GARCIA RAMIREZ

MIGUEL PEREZ POSADAS

GONZALO MENDOZA CARDENAS

ALEJANDRO CAYETANO PENA a/k/a "Tiburon" a/k/a/ "Alex"

JACOB LEE SMITH

ADRIAN ARNADA VITELA a/k/a "Emiliano" and

CORNELIO SANCHEZ HUERTA

aided and abetted by each other and others known and unknown, with some joining the conspiracy earlier and others joining later, did unlawfully, knowingly and intentionally, combine, conspire, confederate and agree with each other, and with others known and unknown, to possess with intent to distribute and to distribute cocaine, a Schedule II controlled substance, in violation of 21 U.S.C. § 841(a)(1) and 18 U.S.C. § 2, all done in violation of 21 U.S.C. § 846.

COUNT TWO

Distribution of Five Grams or More of Methamphetamine

21 U.S.C. §§ 841(a)(1) & (b)(1)(B)

On or about December 9, 2015, in Bacon County within the Southern District of Georgia, the defendant, **MIGUEL PEREZ POSADAS**, did unlawfully, knowingly and intentionally distribute five grams or more of methamphetamine, a Schedule II controlled substance, in violation of 21 U.S.C. §§ 841(a)(1) & (b)(1)(B).

COUNT THREE

Distribution of Fifty Grams or More of Methamphetamine

21 U.S.C. §§ 841(a)(1) & (b)(1)(A)

On or about February 28, 2016, in Jeff Davis County within the Southern District of Georgia, the defendant, **OSCAR NEGRETE CORTES**, did unlawfully, knowingly and intentionally distribute fifty grams or more of methamphetamine, a Schedule II controlled substance, in violation of 21 U.S.C. §§ 841(a)(1) & (b)(1)(A).

COUNT FOUR

Distribution of Fifty Grams or More of Methamphetamine

21 U.S.C. §§ 841(a)(1) & (b)(1)(A)

On or about March 11, 2016, in Jeff Davis County within the Southern District of Georgia, the defendant, **OSCAR NEGRETE CORTES**, did unlawfully, knowingly and intentionally distribute fifty grams or more of methamphetamine, a Schedule II controlled substance, in violation of 21 U.S.C. § 841(a)(1) & (b)(1)(A).

COUNT FIVE

Distribution of Five Grams or More of Methamphetamine

21 U.S.C. §§ 841(a)(1) & (b)(1)(B)

On or about April 11, 2016, in Jeff Davis County within the Southern District of Georgia, the defendant, **OSCAR NEGRETE CORTES**, did unlawfully, knowingly and intentionally distribute five grams or more of methamphetamine, a Schedule II controlled substance, in violation of 21 U.S.C. §§ 841(a)(1) & (b)(1)(B).

COUNT SIX

Distribution of a Quantity of Cocaine
21 U.S.C. § 841(a)(1)

On or about May 23, 2016, in Jeff Davis County within the Southern District of Georgia, the defendant, **OSCAR NEGRETE CORTES**, did unlawfully, knowingly and intentionally distribute a mixture and substance containing a detectable amount of cocaine, a Schedule II controlled substance, in violation of 21 U.S.C. § 841(a)(1).

COUNT SEVEN

Distribution of a Quantity of Cocaine
21 U.S.C. § 841(a)(1)

On or about June 13, 2016, in Jeff Davis County within the Southern District of Georgia, the defendant, **OSCAR NEGRETE CORTES**, did unlawfully, knowingly and intentionally distribute a mixture and substance containing a detectable amount of cocaine, a Schedule II controlled substance, in violation of 21 U.S.C. § 841(a)(1).

COUNT EIGHT

Possession of Cocaine with Intent to Distribute

21 U.S.C. § 841(a)(1) & 18 U.S.C. § 2

On or about August 16, 2016, in Jeff Davis County within the Southern District of Georgia, the defendants, **GONZALO MENDOZA CARDENAS**, **MIGUEL PEREZ POSADAS** and **MAURO GARCIA RAMIREZ**, each being aided and abetted by the other, did unlawfully, knowingly and intentionally possess with intent to distribute a mixture and substance containing a detectable amount of cocaine, a Schedule II controlled substance, in violation of 21 U.S.C. § 841(a)(1) and 18 U.S.C. § 2.

COUNT NINE

Possession of Cocaine with Intent to Distribute
21 U.S.C. § 841(a)(1) & 18 U.S.C. § 2

On or about October 17, 2016, in Pierce County within the Southern District of Georgia, the defendants, **GONZALO MENDOZA CARDENAS** and **ADRIAN ARANDA VITELA, a/k/a “Emiliano”**, each being aided and abetted by the other, did unlawfully, knowingly and intentionally possess with intent to distribute a mixture and substance containing a detectable amount of cocaine, a Schedule II controlled substance, in violation of 21 U.S.C. § 841(a)(1) and 18 U.S.C. § 2.

COUNT TEN

Possession of Cocaine with Intent to Distribute
21 U.S.C. § 841(a)(1)

On or about November 15, 2016, in Glynn County within the Southern District of Georgia, the defendant, **JACOB LEE SMITH**, did unlawfully, knowingly and intentionally possess with intent to distribute a mixture and substance containing a detectable amount of cocaine, a Schedule II controlled substance, in violation of 21 U.S.C. § 841(a)(1).

COUNT ELEVEN

Possession of Firearms and Ammunition by a Prohibited Person

18 U.S.C. § 922(g)(1)

On or about November 15, 2016, in Glynn County, within the Southern District of Georgia, the defendant, **JACOB LEE SMITH**, who before that time had been convicted of an offense punishable by imprisonment for a term exceeding one year, did knowingly possess, in and affecting commerce, a Bersa Thunder .380 caliber pistol, a Taurus .357 Magnum revolver, .380 caliber ammunition, and .357 Magnum caliber ammunition, all of which had previously been transported in interstate commerce, in violation of 18 U.S.C. § 922(g)(1).

COUNT TWELVE

Possession of Firearms and Ammunition by a Prohibited Person
18 U.S.C. § 922(g)(3)

On or about November 15, 2016, in Glynn County, within the Southern District of Georgia, the defendant, **JACOB LEE SMITH**, an unlawful user of drugs, did knowingly possess, in and affecting commerce, a Bersa Thunder .380 caliber pistol, a Taurus .357 Magnum revolver, .380 caliber ammunition, and .357 Magnum caliber ammunition, all of which had previously been transported in interstate commerce, in violation of 18 U.S.C. § 922(g)(3).

COUNT THIRTEEN

Illegal Reentry After Removal from the United States

8 U.S.C. § 1326(a)

On or about January 27, 2017, in Pierce County within the Southern District of Georgia, the defendant, **GONZALO MENDOZA CARDENAS**, an alien, having been removed from the United States on or about November 28, 1996, subsequent to having been convicted in the District of Arizona for Possession of Firearms at a Federal Facility, in violation of 18 U.S.C. § 930, was found in the United States without having obtained the express consent of the Attorney General or the Secretary of Homeland Security to reapply for admission to the United States.

All done in violation of 8 U.S.C. § 1326(a).

COUNT FOURTEEN

Possession of a Firearm and Ammunition by a Prohibited Person

18 U.S.C. § 922(g)(1)

On or about January 27, 2017, in Pierce County, within the Southern District of Georgia, the defendant, **GONZALO MENDOZA CARDENAS**, who before that time had been convicted of an offense punishable by imprisonment for a term exceeding one year, did knowingly possess, in and affecting commerce, a FMK 9mm caliber pistol and 9mm caliber ammunition, all of which had previously been transported in interstate commerce, in violation of 18 U.S.C. § 922(g)(1).

COUNT FIFTEEN

Possession of a Firearm and Ammunition by a Prohibited Person

18 U.S.C. § 922(g)(5)

On or about January 27, 2017, in Pierce County, within the Southern District of Georgia, the defendant, **GONZALO MENDOZA CARDENAS**, who, being an alien unlawfully in the United States, did knowingly possess, in and affecting commerce, a FMK 9mm caliber pistol and 9mm caliber ammunition, all of which had previously been transported in interstate commerce, in violation of 18 U.S.C. § 922(g)(5).

COUNT SIXTEEN

Possession of Methamphetamine with Intent to Distribute
21 U.S.C. § 841(a)(1)

On or about January 27, 2017, in Pierce County within the Southern District of Georgia, the defendant, **MIGUEL PEREZ POSADAS**, did unlawfully, knowingly and intentionally possess with intent to distribute a mixture and substance containing a detectable amount of methamphetamine, a Schedule II controlled substance, in violation of 21 U.S.C. § 841(a)(1).

COUNT SEVENTEEN

Possession of a Firearm in Furtherance of a Drug Trafficking Crime
18 U.S.C. § 924(c)(1)(A)

Beginning at a time unknown until on or about January 27, 2017, in Pierce County, within the Southern District of Georgia, the defendant, **MIGUEL PEREZ POSADAS**, did unlawfully and knowingly possess a firearm in furtherance of at least one drug trafficking crime, that is Conspiracy to Possess with Intent to Distribute and to Distribute Cocaine, as charged in Count One of the Indictment, and Possession of Methamphetamine with Intent to Distribute, as charged in Count Sixteen of the Indictment, all done in violation of 18 U.S.C. § 924(c)(1)(A).

COUNT EIGHTEEN

Possession of Cocaine with Intent to Distribute
21 U.S.C. § 841(a)(1)

On or about January 27, 2017, in Glynn County within the Southern District of Georgia, the defendant, **ALEJANDRO CAYETANO PENA**, a/k/a “Tiburon,” a/k/a “Alex,” did unlawfully, knowingly and intentionally possess with intent to distribute a mixture and substance containing a detectable amount of cocaine, a Schedule II controlled substance, in violation of 21 U.S.C. § 841(a)(1).

COUNT NINETEEN

Possession of a Firearm in Furtherance of a Drug Trafficking Crime

18 U.S.C. § 924(c)(1)(A)

Beginning at a time unknown until on or about January 27, 2017, in Glynn County, within the Southern District of Georgia, the defendant, **ALEJANDRO CAYETANO PENA, a/k/a “Tiburon,” a/k/a “Alex,”** did unlawfully and knowingly possess a firearm in furtherance of at least one drug trafficking crime, that is Conspiracy to Possess with Intent to Distribute and to Distribute Cocaine, as charged in Count One of the Indictment, and Possession of Cocaine with Intent to Distribute, as charged in Count Eighteen of the Indictment, all done in violation of 18 U.S.C. § 924(c)(1)(A).

COUNT TWENTY

Possession of a Firearm and Ammunition by a Prohibited Person

18 U.S.C. § 922(g)(3)

On or about January 27, 2017, in Glynn County, within the Southern District of Georgia, the defendant, **ALEJANDRO CAYETANO PENA, a/k/a “Tiburon,” a/k/a “Alex,”** an unlawful user of drugs, did knowingly possess, in and affecting commerce, a Smith & Wesson 9mm caliber pistol and 9mm caliber ammunition, all of which had previously been transported in interstate commerce, in violation of 18 U.S.C. § 922(g)(3).

COUNT TWENTY-ONE

Illegal Reentry After Removal from the United States

8 U.S.C. § 1326(a)

On or about March 24, 2017, in Glynn County within the Southern District of Georgia, the defendant, **CORNELIO SANCHEZ HUERTA**, an alien, having been removed from the United States after being convicted of a felony offense, was found in the United States without having obtained the express consent of the Attorney General or the Secretary of Homeland Security to reapply for admission to the United States.

All done in violation of 8 U.S.C. § 1326(a).

FORFEITURE ALLEGATIONS

The allegations contained in Counts One through Twenty-One of this Indictment are hereby re-alleged and incorporated by reference for the purpose of alleging forfeitures pursuant to Title 21, United States Code, Section 853, Title 18, United States Code, Section 924(d), and Title 28, United States Code, Section 2461(c).

Pursuant to Title 21, United States Code, Section 853, upon conviction of any offense in violation of Title 21, United States Code set forth in this Indictment, Defendants

**OSCAR NEGRETE CORTEZ
MAURO GARCIA RAMIREZ
MIGUEL PEREZ POSADAS
GONZALO MENDOZA CARDENAS
ALEJANDRO CAYETANO PENA a/k/a "Tiburón" a/k/a/ "Alex"
JACOB LEE SMITH
ADRIAN ARNADA VITELA a/k/a "Emiliano" and
CORNELIO SANCHEZ HUERTA**

shall forfeit to the United States any property constituting, or derived from, any proceeds obtained, directly or indirectly, as the result of such offense and any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, the offense(s), including but not limited to \$35,790.00 in U.S. Currency and a 2008 Toyota Tundra bearing VIN 5TFEV54158X05270.

Upon conviction of any offense alleged in this Indictment, the above named defendants shall forfeit to the United States pursuant to Title 18, United States Code, Section 924(d)(1) and Title 28, United States Code, Section 2461(c) any firearm and ammunition involved in that offense, including but not limited to

- a. a Bersa Thunder .380 caliber pistol
- b. a Taurus .357 Magnum caliber revolver;
- c. a FMK 9mm caliber pistol;

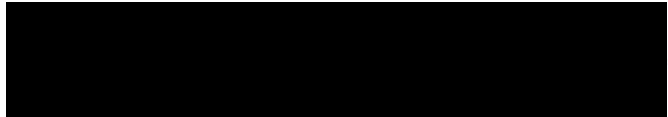
- d. a Cobra EMT, .380 caliber pistol;
- e. a Davis Industries .380 caliber pistol;
- f. a Norinco SKS 7.62x39 caliber rifle;
- g. a Mossberg 12 gauge shotgun;
- h. a Savage 30-06 caliber rifle;
- i. a Remington 30-06 caliber rifle;
- j. a Ithaca Gun Company .45 caliber pistol; and
- k. two Smith & Wesson 9mm caliber pistols.

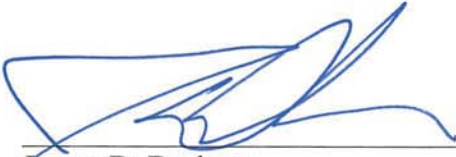
If, as a result of any act or omission of a defendant, any of the property subject to forfeiture:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third person;
- c. has been placed beyond the jurisdiction of this Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be subdivided without difficulty,

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of said defendant up to the value of the forfeitable property.

A TRUE BILL.


Foreperson



James D. Durham
Acting United States Attorney
First Assistant United States Attorney



Brian T. Rafferty
Assistant United States Attorney
Chief, Criminal Division



E. Greg Gilluly, Jr.*
Assistant United States Attorney



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